

Development Management Sub Committee

Wednesday 29 April 2015

**Application for Advert Consent 15/01271/ADV
At Bus Shelter Advertising Panels, Princes Street, Edinburgh
Double sided advertising panel as part of a bus shelter
comprising digital panel facing west, static panel facing east.**

Item number	5.9
Report number	
Wards	A11 - City Centre

Summary

The proposal complies with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The proposal is acceptable when assessed against the interests of amenity and public safety and there are no material considerations which outweigh this conclusion. Approval is recommended subject to conditions and informatives.

Links

[Policies and guidance for this application](#) NSADSP, CRPNEW, CRPWHS,

Report

Application for Advert Consent 15/01271/ADV At Bus Shelter Advertising Panels, Princes Street, Edinburgh Double sided advertising panel as part of a bus shelter comprising digital panel facing west, static panel facing east.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site relates to an existing bus shelter located on the southern side of Princes Street, directly adjacent to Princes Mall. The existing bus shelter comprises a double sided static poster display placed at the trailing end of the shelter. There is another bus shelter located in close proximity to the site approximately 14 metres to the east.

The application site is adjacent to and opposite continuous built frontages along Princes Street. The frontages contain a number of listed buildings (categories A - C) which lie within close proximity of the site. The closest listed buildings are noted as follows:

- 1 Princes Street and 2-18 (even numbers) North Bridge (The Balmoral Hotel) - category B listed, listed on 14.06.1994 (ref: 30315).
- 24 and 25 Princes Street - category B listed, listed on 28.03.1996 (ref: 43315).
- 21 - 23 (inclusive numbers) Princes Street - category C listed, listed on 28.03.1996 (ref: 43314).
- 19 - 20 Princes Street (incorporating the Royal British Hotel) - category B listed, listed on 20.02.1985 (ref: 29502).
- 16 - 18 (inclusive) Princes Street - category B listed, listed on 12.12.1974 (ref: 29501).
- 10 - 15 (inclusive numbers) Princes Street - category C listed, listed on 20.03.1996 (ref: 43313).
- 30 Princes Street and South St. Andrew's Street - category A listed, listed on 14.09.1996 (ref: 29503).

Princes Street is predominantly commercial in nature and performs a key role in the city's retail function.

The application site lies within the Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

29.01.2015 - Advertisement consent granted for eleven double sided advertising panels (non-digital) adjacent to bus shelters (as amended). This application included double sided scrolling advertising panels adjacent to two existing bus shelters on Princes Street adjacent to Princes Mall - one of which relate to this current application site (application ref: 14/04495/ADV).

Relevant site history in close proximity to application site:

Committee decision pending for advertisement consent for one double sided advertising panel as part of bus shelter comprising digital panel facing west and static panel facing east. Panel to be located at trailing end of bus shelter adjacent to Princes Mall on south side of Princes Street (application ref: 15/01270/ADV).

Main report

3.1 Description Of The Proposal

The advertising panel will be double sided and situated on the trailing end of the bus shelter. The west facing side of the panel will be a digital display with moving images and the east facing side of the panel will be a static (paper) display back-lit with LED lights.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.95 metres high, 1.33 metres wide and 0.24 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from steel and aluminium.

The existing bus shelter is due to be replaced as part of the Council's new advertising contract with JCDecaux (the Applicant). This application relates to advertisement consent only, with the shelters being installed through the Council's permitted development rights.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal has an acceptable impact on amenity;
- b) the proposal would compromise public safety;
- c) the proposal would have any equalities or human rights impacts; and
- d) public comments have been addressed.

a) Amenity

The site comprises a visually prominent location along Princes Street and is situated within the New Town Conservation Area and the Edinburgh World Heritage Site.

The Council's guidance covering Advertisements, Sponsorship and City Dressing states that digital advertising with the World Heritage Site will normally only be acceptable as an integral part of a bus shelter design. Bus shelter advertising is well established in the locality, with the adjacent Core Shopping Frontage providing a commercial backdrop to the proposed displays.

The proposal is to replace the existing static double sided advertisement panel with a part digital/part static display of a comparable size. The site already has consent for the replacement of this existing panel with a double sided illuminated scrolling panel, however this has not been implemented.

Whilst the proposal will result in a change from static to digital on the west facing panel, this will not have an adverse impact on the amenity of this location given the commercial character of this part of Princes Street. The displays will form an integral part of the shelter design, with the structure providing a level of visual containment to the display.

The advertisement panel and associated bus shelter are positioned adjacent to the kerb, this arrangement reflecting the linearity of the street. The shelters and the associated advertisements are subservient elements within the street scene and the proposal would not be disruptive to key views or the setting of the listed buildings along this part of Princes Street.

The position and orientation of the displays would not result in any detrimental impacts on residential amenity.

The proposal would not be detrimental to the amenity of the location and complies with the requirements set out in the Council's guidance covering Advertisements, Sponsorship and City Dressing.

b) Public Safety

Transport has advised that it has no objections to the proposal subject to the addition of informatives regarding the detailed operation of the advertisements and information regarding the Edinburgh Tram Hazard Zone.

Whilst Transport notes that there is generally a presumption against full motion digital displays on road safety grounds, there are no objections to this application because the display is on the trailing end of the bus shelter facing away from oncoming vehicles and, as such, they are targeted at pedestrians on the footway walking east or those waiting at the stop outside the shelter. Whilst the display will be visible to drivers on the opposite carriageway heading east, it is considered that these small format displays are unlikely to cause a distraction to these drivers.

In coming to this conclusion, Transport advises that there was a trial undertaken of full motion digital displays on bus stops towards the end of the contract with the Council's previous advertising partner. It is understood that there were six levels of motion used in the trial, and that the levels to be used at these, and other JCDecaux bus shelters, can be controlled through the Council's contract with the Applicant.

The proposal raises no concerns regarding public safety.

c) Equalities and Human Rights

This application has no impacts on equalities and human rights.

d) Public Comments

No comments were received.

Community Council

No comments were received.

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal would not adversely affect the amenity of the location or raise issues in respect of public safety. The proposal accords with the requirements of the Council's guidance covering Advertisements, Sponsorship and City Dressing. The proposal is acceptable and approval is recommended subject to conditions and informatives.

There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Consent is granted for a period of five years from the date of consent.
2. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. Day time levels of luminance may need to be higher than night time levels, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits.
2. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
3. The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
 - Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - Any excavation within 3m of any pole supporting overhead lines;
 - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use; and

- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Edinburgh City Local Plan - Central Area, City Centre Retail Core, New Town Conservation Area, World Heritage Site. Adjacent to Core Shopping Frontage and Tram Route Safeguard.

Date registered

20 March 2015

Drawing numbers/Scheme

01, 02, 04, 05, 06,

Scheme 1

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Links - Policies

Relevant Policies:

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 15/01271/ADV At Bus Shelter Advertising Panels, Princes Street, Edinburgh Double sided advertising panel as part of a bus shelter comprising digital panel facing west, static panel facing east.

Consultations

Transportation

These applications relate to the bus shelters outside Princes Mall. It is understood that, further to the decision issued by the Council in respect of 14/04495/ADV, these applications have been submitted to remove the restriction on full motion digital adverts (informative 2 of decision notice dated 29 Jan 2015).

Whilst it is this case that full motion is generally objected to on road safety grounds there are no objections to these applications. This is because the small format signs are on the trailing end of the bus shelter facing away from oncoming vehicles (and, as such, they are targeted at pedestrians on the footway walking east or those waiting at the stop outside the shelter). Whilst the signs will be visible to drivers on the opposite carriageway heading east it is considered that these small format signs are unlikely to cause a distraction to these drivers (however note underlined section in paragraph below).

There was a trial undertaken of full motion adverts on bus stops towards the end of the contract with the council's previous advertising partner. A report on this trial from this Council's Corporate Property division is attached as an appendix to this response. It is understood that there were 6 levels of motion used in the trial, and that the levels to be used at these, and other JCDecaux bus shelters, can be controlled through the council's contract with the applicant. It is recommended that initially the lowest levels of motion within the adverts are permitted and the appropriate final level of motion (i.e. the most to be permitted) is agreed in writing with the Head of Transport.

Should you be minded to issue consent to these applications please also include the following as informatives on the permission-

- 1. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;*
- 2. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;*
- 3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*

The following note regarding works in the vicinity of the tram also requires to be included in any permission-

The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>

Appendix to full motion bus shelter applications 15/01270&1/ADV

Report from CEC Corporate Property into trial of full motion adverts at bus shelters.

Small Format Advertising Trial - Princes Street & Morningside Road.

The trial progressed in stages as follows:-

Stage 1, Princes Street (Static) -

This comprised two 6-sheet digital units, with Planning endorsing the principle of the trial in June 2012. Prior to the trial commencing, a meeting was held November 2012 on site with representatives from Transport, Road Safety, Police and Lothian Buses during which Clear Channel showed a selection of advertisements to gauge possible impact on passing traffic.

Stage 2, Princes Street (Motion & movement) -

A similar meeting was held prior to the launch of Stage 2 when again Clear Channel provided a series of advertisements, at this meeting held 11/1/13 tolerance for speed of motion and movement were agreed, with proviso that there could be advertisements that fall out of the criteria due to the combination of colour & movement.

Stage 3, Morningside Road -

A site meeting was held with Transport & Clear Channel; the screen faced away from oncoming traffic and due to surrounding buildings was screened from traffic approaching in opposite direction.

Stage 4, Final Review -

A final meeting was held with Clear Channel on 9/1/14 at which a draft report was published. The bottom line was the Council received no comments about any of the three digital screens and only limited motion and movement shown on the Morningside Road screen. The trial also proved the worth of the Council being able to publicise events and news items on the screens.

Location Plan



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